REMARKS

Formal Matters

Claims 1 and 3-23 are pending after entry of the amendments set forth herein; the previously pending claims were examined and rejected. No new matter is added by the amendments hereto. New claims 22 and 23 finds clear support in the figures as well as specific support in ¶0012 of the Specification as filed. The remaining amendments are supported throughout the specification as filed, included the material incorporated by reference.

Rejections

As amended, the claims are distinguished over the rejections based on at least two grounds: 1) by requiring a system configuration or method steps where the sample is drawn from a biopolymer array synthesis environment into the sensor chamber; and 2) requiring that a gaseous sample be drawn into the chamber while the system is capable of forming features on a substrate (or the process of such formation) using a fluid to produce an array.

The first point distinguishes Schleifer in that the only drawing of material from any environment that the reference teaches is drawing fluid from a replenishment reservoir. (Col 11: 25-27) Nothing in the reference teaches, nor reasonably suggests, drawing anything from the system's synthesis environment, as required by the claims.

The second point above distinguishes Schleifer in that when Schleifer system is in a state in which it is prepared for or is in fact producing an array with fluid medium, it is not believed able to draw a gaseous sample into the system from the synthesis environment. Rather, at that state, the Schleifer reservoir 208 and nozzle leading to the print environment are filled with fluid – leaving no open path for obtaining a gaseous sample from the relevant environment.

Last (as this comment relates to both points above), if the rejection is to be maintained, it is requested that the Examiner point out where Schleifer teaches passing gas (irrespective of whether the chamber is filled with fluid or not) from a synthesis environment into chamber 208.

In view of the foregoing, it is respectfully asserted that all of the outstanding rejections should be withdrawn and the rejected claims allowed.

New Claims

All of the rejections rely upon the combined teaching of Schleifer in view of Gibson. Even if such a combination was proper – which applicant has repeatedly contested – in no way does it teach what is required of new the claims 22 and 23. These claims require that the capacitance sensor be the only significant constituent (or be alone) in the chamber that houses it. Regarding the outstanding rejections, the "chamber" identified by the Examiner in Schleifer is the holder 208 for the print heads 209. Thus, even if the Schleifer system were modified to include a sensor, the chamber would still contain the printheads. The system cannot be modified to remove the print heads because that would defeat the utility of the reference and go against the stated purpose of element 208. As such, allowance of claims 22 and 23 is respectfully requested.

Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10010408-1.

Respectfully submitted,
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